

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTINA SELVAGGIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, NICHOLAS NAPOLITANO,
DONNA NAPOLITANO, POLICE DETECTIVE
FRANK VIANI, JOHN DOES 1-5, JANE DOES 1-5,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

02 CV 1131
(CPS)(CLP)

FILED

IN CLERKS OFFICE
U.S. DISTRICT COURT N.Y.

★ APR 14 2004 ★

P.M. _____

TIME A.M. _____

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WHEREAS, plaintiff commenced this action by filing a complaint on or about February 18, 2002, alleging that her civil and state common law rights were violated; and

WHEREAS, defendants City of New York, the New York City Police Department, and Detective Frank Viani (hereinafter municipal defendants) have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties (plaintiff and municipal defendants) now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the total sum of THIRTY-THREE THOUSAND DOLLARS (\$33,000.00) in full satisfaction of all claims,

including claims for costs, expenses and attorney fees. In consideration for payment of this sum, plaintiff agrees to the dismissal of all the claims against the individually named municipal defendant, Frank Viani, the New York City Police Department, and to release all defendants, any present or former employees or agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to municipal defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the municipal defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

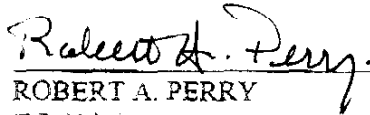
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

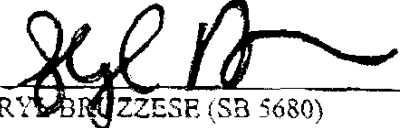
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.


Dated: New York, New York
February 4, 2004

ROBERT A. PERRY (RP 3791)
Attorney for Plaintiff
Michael Shen, PC
2109 Broadway, Suite 206
New York, N.Y. 10023
(212) 595-5500

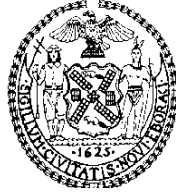
MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, 3-188
New York, N.Y. 10007
(212) 788-0893

By: 
ROBERT A. PERRY
(RP 3791)

By: 
SHERYL BRUZZESE (SB 5680)
Assistant Corporation Counsel

SO ORDERED:

CHARLES P. SIFTON, U.S.D.J.

2/08/04



APR - 6 2004

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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April 5, 2004

BY HAND

The Honorable Charles P. Sifton
United States District Judge
Eastern District of New York
Brooklyn Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

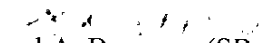
Re: Christina Selvaggio v. City of New York, et al.
02-CV-1131 (CPS) (CLP)

Your Honor:

I am the Assistant Corporation Counsel assigned to the above-referenced case. Enclosed please find a Stipulation and Order of Settlement and Discontinuance executed by both parties for your endorsement and filing.

Thank you for your consideration.

Respectfully submitted,


Sheryl A. Bruzzese (SB 5680)
Assistant Corporation Counsel

cc: The Honorable Cheryl L. Pollak (by fax)
Robert Perry, Esq. (by fax 212-227-2714)